IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 165 OF 2004

in

APPEAL NO. 1017 OF 2003

AND

APPEAL NO. 1017 OF 2003

IN

WRIT PETITION NO. 1716 OF 2001

Raju Shankar Poojari ... Appellant

Versus

Chembur Warehouse Company & Anr. Respondent

Mr. V.P.Vaidya for the appellant.

Ms. Anjali Helekar for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA,JJ.

DATE : 13th August, 2007.

P.C.

1. Though the Appeal has been dismissed for non-removal of office objections and there is delay in filing the appeal, we heard learned Counsel for the appellant on merits.

2. Industrial dispute was raised on the footing that the management has orally terminated the services of the appellant. The Labour Court, after appreciating the evidence on record, made an award holding that it is a case of abandonment of services by the appellant. That finding was challenged in the Writ Petition in this Court. The learned Single Judge of this Court rejected the petition. The learned Single Judge found that before the Conciliation Officer as also before the Labour Court, the management had made an offer to the appellant to join the duty.

3. The learned Counsel appearing for the appellant could not explain satisfactorily as to why the appellant did not join the duty when admittedly, an offer was made by the management before the Labour Court.

4. Taking overall view of the matter, specially considering the time factor and that the finding of fact recorded by the Labour Court and the learned Single Judge of this Court, in our opinion, it will not be appropriate to entertain the appeal.

The Motion and the Appeal are disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)